

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Sheena M. Debose,)
Plaintiff,) C/A No. 5:11-3057-MBS
vs.)
World Finance Corporation of South)
Carolina,)
Defendants.)

)

ORDER

On September 16, 2011, Plaintiff Sheena M. Debose filed the within action against her former employer, Defendant World Finance Corporation of South Carolina, in the Court of Common Pleas for Orangeburg County, South Carolina. Plaintiff alleges that Defendant discriminated against her and terminated her in violation of the Americans with Disabilities Act, 42 U.S.C. §§ 1212 et seq. Defendants removed the case to this court on November 9, 2011. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Shiva V. Hedges for pretrial handling.

At the time of removal, Plaintiff was represented by counsel. Counsel moved to withdraw on April 25, 2012. The motion to withdraw was granted on April 26, 2012, and Plaintiff was granted until May 31, 2012, to notify the court of the identify of new counsel or whether Plaintiff wished to proceed pro se. Plaintiff failed to respond to the Magistrate Judge's April 26, 2012 order. Accordingly, on June 5, 2012, the Magistrate Judge issued a Report and Recommendation in which she recommended that the within complaint be dismissed pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has

no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). This court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). This court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. Id. This court is obligated to conduct a de novo review of every portion of the Magistrate Judge's report to which objections have been filed. Id. In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. The within action is dismissed *with prejudice* pursuant to Rule 41(b) for failure to prosecute.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

June 26, 2012

NOTICE OF RIGHT TO APPEAL

**Plaintiff is hereby notified of the right to appeal this order
pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.**